

Alexandria Division

UNDER SEAL

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States, 873 F.2d 1210 (9th Cir. 1989); see also Shea v. Gabriel, 520 F.2d 879 (1st Cir. 1975); United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980); In re Braughton, 520 F.2d 765, 766 (9th Cir. 1975). "The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." In re Knight Pub. Co., 743 F.2d 231, 235 (4th Cir. 1984). Sealing the complaint and affidavit in support of the complaint is appropriate where there is a substantial probability that the release of the sealed documents would compromise the government's on-going investigation. See e.g. In re Search Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988); Matter of Eye Care Physicians of America, 100 F.3d 514, 518 (7th Cir. 1996); Matter of Flower Aviation of Kansas, Inc., 789 F.Supp. 366 (D. Kan. 1992). Further, sealing is within the discretion of the court and may be granted "for any legitimate prosecutorial need." United States v. Ramey, 791 F.2d 317, 321 (4th Cir. 1986).

III. PERIOD OF TIME GOVERNMENT SEEKS TO HAVE MATTER REMAIN UNDER SEAL (Local Rule 49(B)(3))

3. The United States respectfully requests that the criminal complaint, supporting affidavit, and arrest warrant in this case remain sealed until the defendant is arrested, at which time the criminal complaint, affidavit, and arrest warrant may be treated as a matter of public record.

4. The United States will move to unseal the sealed materials should sealing no longer be necessary. The United States has considered alternatives less drastic than sealing and has found none that would suffice to protect this investigation.

WHEREFORE, the United States respectfully requests that (1) a certified copy of the criminal complaint and arrest warrant be provided to those law enforcement officers involved in the prosecution of this case, including FBI, (2) a copy of the criminal complaint and sealed arrest

warrant be made available as necessary to facilitate the arrest or extradition of the defendant and provided to agents or officers of the FBI for execution.

Dated: November 16, 2020

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By:



Maureen C. Cain
Assistant United States Attorney